

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

MM, : NO. 00-21,636  
Petitioner :  
 :  
vs. : DOMESTIC RELATIONS SECTION  
 : Exceptions  
CSM, :  
Respondent :

OPINION AND ORDER

Before the Court are Respondent’s exceptions to the Family Court Order dated August 13, 2002, in which Respondent was directed to pay spousal support and child support to Petitioner. Argument on the exceptions was heard October 9, 2002.

In his exceptions, Respondent contends the hearing officer erred in the calculation of his income in two (2) respects and in requiring him to contribute to the cost of the children’s summer camp.

With respect to the first allegation of error, Respondent specifically contends the hearing officer should have divided the year-to-date figures on the pay stub used by 18 weeks rather than 17 weeks and further contends the hearing officer erred in failing to consider his travel expenses. Upon agreement of counsel, Respondent provided copies of the pay stubs to support his contention that 18 weeks should have been used. Although unusual, it does appear Respondent is paid during the week before the end of the pay period and thus 18 weeks were indeed covered by the pay stub used by the hearing officer. Thus, he has a net weekly income of \$370.85, rather than \$393.94. As far as the travel expense, although not mentioned in the Order, the hearing officer’s notes do indicate that Respondent testified to having traveled 92 miles per week in connection with his sales job. This is a

legitimate business expense and the Court will consider such by estimating a cost for gasoline at \$1.50 per gallon, assuming a vehicle which gets 15 miles to the gallon, arriving at an expense of \$9.20 per week. Respondent's net weekly income is therefore reduced to \$361.65, for a monthly net income of \$1,567.00.

The summer camp expenses to which Respondent objects are \$65.00 for a basketball camp and \$104.00 for a soccer camp. Although Respondent alleges such are not within the parties' life style, the Court does not believe these expenses are so exorbitant as to make them unreasonable and will therefore affirm the hearing officer's determination in this regard.

Considering Petitioner's earning capacity of \$750.00 per month and Respondent's income of \$1,567.00 per month, the guidelines require Respondent to contribute \$526.84 to the support of the two (2) minor children in Petitioner's custody and spousal support of \$87.05 per month. Petitioner's obligation of \$180.00 for the child in Respondent's custody offsets these two payments for a total payment of \$433.89 per month. Respondent's contribution toward child care and the summer camps is calculated at \$38.83 per month and Petitioner's contribution to the health insurance expense is calculated at \$93.50 per month. Respondent therefore has an overall payment of \$379.22 per month.

#### ORDER

AND NOW, this 14<sup>th</sup> day of October, 2002, for the foregoing reasons, the Order of August 13, 2002 is hereby modified such that effective June 14, 2002 Respondent shall pay to the Domestic Relations Office child support and spousal support of \$379.22 per month. This includes a contribution to childcare and summer camp as well as considers Petitioner's contribution to the health insurance expense and her payment of child support to Respondent, both of which are noted above. The percentage responsibility for excess unreimbursed medical expenses is also modified such that Respondent shall be responsible for 67.63% of such and Petitioner shall be responsible for 32.37% of such.

As modified herein, the Order of August 13, 2002 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court  
Domestic Relations Office  
Matt Zeigler, Esq.  
Howard Langdon, Esq.  
Gary Weber, Esq.  
Dana Jacques, Esq.  
Hon. Dudley N. Anderson